

AFRICAN UNION  
الاتحاد الأفريقي



UNION AFRICAINE  
UNIÃO AFRICANA

---

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax: +251115- 517844  
Website: [www.africa-union.org](http://www.africa-union.org)

---

**EXECUTIVE COUNCIL**  
**Eighth Ordinary Session**  
**16 – 21 January 2006**  
**Khartoum, SUDAN**

EX.CL/243 (VIII) Add.3

**NON-SUBMISSION OF DECISIONS TAKEN BY THE AFRICAN**  
**UNION SUMMITS TO THE USUAL RATIFICATION**  
**MECHANISMS WITHIN MEMBER STATES**  
**OF THE UNION**

**(Item Proposed by the Great Socialist People's Libyan Arab Jamahiriya**

**NON-SUBMISSION OF DECISIONS TAKEN BY THE AFRICAN UNION SUMMITS TO  
THE USUAL RATIFICATION MECHANISMS WITHIN MEMBER STATES  
OF THE UNION**

Request by the great Jamahiriya for the inclusion of an item title “Non submission of decisions taken by the Summits of the African Union for the usual approval by the ratification mechanisms in force in the States of the Union” in the Agenda of the 6<sup>th</sup> Ordinary Session of the AU Assembly slated for Khartoum from 23 to 24 January 2006, with a note explaining the reason behind the request.

**I. Item Proposed for Inclusion in the Assembly Agenda**

In accordance with Rule 8, subparagraph 2/d of the Rules of Procedure of the Assembly of the African Union, the Great Jamahiriya requests the inclusion in the Agenda of the 6<sup>th</sup> Ordinary Session of the AU Assembly scheduled to take place in Khartoum from 23 to 24 January 2006 of an item titled: “Non-submission of decisions taken by the Summits of the African Union for the usual approval by the ratification mechanisms in force in the States of the Union”.

**II. Legal Texts Supporting the Request**

Article 3 paragraph (c) of the AU Constitutive Act entitled “Objectives of the Union” which provides for the acceleration of the political and socio-economic integration of the Continent.

**III. Explanatory Note**

The proposal aims at adopting a general principle based on not referring decisions, treaties, charters and protocols of the Assembly of the Union to be treated in the normal way within the national context, i.e. to refer them to national parliaments for ratification and deposition of instruments of ratification before they could enter into force.

The decisions of the Assembly are of special importance and value in finalizing the establishment and operationalization of the AU instruments and should therefore not be treated in the same way as other national and local issues.

Subjecting the decisions of the Union to such ordinary treatment undermines their importance and value, and contradicts the principles and objectives of the Constitutive Act of the African Union, thereby hampering efforts being deployed to develop the structures of the Union with the view to achieving the final objective of establishing the United States of Africa.

The legal authority of any decision, charter or treaty adopted by the Assembly is the Constitutive Act of the Union itself. Since this Act was subjected to the ratification mechanism within the national parliaments, signed, ratified and the instruments of

ratification thereof deposited for it to become operational and binding, it becomes by necessity the legal authority for any decision, charter, treaty or protocol of the Assembly.

It follows therefore that decisions or any similar instruments adopted by the Assembly based on the provisions of the Constitutive Act should be considered as ratified and treated as such.

However, if it is decided that the existing ratification mechanisms be maintained, 2/3 majority should no longer be required from the national parliaments, but such ratifications should be simple majority and within 3 months; and if this period expires without ratification, that should be considered as an approval by itself.

Alternatively, the issue of ratification of such decisions should be the prerogative of the Pan-African Parliament.

**Tripoli, 16/10/2005**

**(Prepared by the Office of the Assistant  
Secretary of the General People's Committee)**

2006

Non-Submission of decisions taken by the African Union summits to the usual ratification mechanisms within member states of the union (Item proposed by the Great Socialist People's Libyan Arab Jamahiriyya)

African Union

African Union

---

<http://archives.au.int/handle/123456789/4159>

*Downloaded from African Union Common Repository*